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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,628	06/28/2001	Susumu Nakagawa	450100-03297	6151

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NEW YORK, NY 10151

EXAMINER

LE, NANCY LOAN T

ART UNIT	PAPER NUMBER
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3621

MAIL DATE	DELIVERY MODE
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04/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/894,628	Applicant(s) NAKAGAWA, SUSUMU	
	Examiner NANCY T. LE	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6,7,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 7, 9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgements

1. Applicant's request for continued examination (RCE) filed on 08 February 2008 is acknowledged.
2. The Examiner for this application hereon changes to Nancy T. Le.
3. This paper is assigned Paper No. 20080325 by the Examiner.

Status of Claims

4. Claims 1-3, 6, 7, 9 and 10 have been examined and pending.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 6, 7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. **6,697,948 (Rabin et al.**; hereafter "Rabin"), in view

of U.S. Patent No. **6,801,999 (Venkatesan et al.)**; hereafter “Venkatesan”) and further in view of U.S. Patent No. **5,790,935 (Payton)**.

7. As per **claims 1-3, 6, 7, 9 and 10**, Rabin teaches a method and system for managing content comprising:

- (a) Key code monitoring means for comparing usage rights (e.g. number of times or period of time content can be used) with usage status and determining whether content (column 26, lines 32-60) usage is within the range according to content usage information (column 5, lines 8-28 and 35-54; column 59, lines 38-56);
- (b) disabling content if status code information exceeds usage rights (column 5, lines 44-48; column 19, lines 48-57; column 23, lines 15-25; column 59, lines 37-56);
- (c) function for outputting usage status (column 18, lines 55-60);

8. Rabin discloses content licensing (or usage rights information) (column 59, lines 36-57).

9. Rabin et al. do not expressly teach transmitting the license (or usage rights information) along with the content. However, to one of ordinary skill this is at least suggested as the computer of Rabin refers to data such as content policy for controlling content (column/line 47/45 – 48/8) which is typically found in a license. Sending a license (or usage rights information) with its associated content is old and well known, therefore it would have been obvious to one of ordinary skill to send a license with the content wherein the license stores for example, a license expiration date, to enable instant deactivation of content instead of relying on a vendor recognizing that a user has yet to

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renew her/his license (column 59, lines 36-57). Regarding **deleting content**, Rabin discloses “punitive measures” (column 23, lines 16-25) as severe as “**disabling a computer**”. Rabin also teaches previously installed software with a status such as “**removed**” (figure 6; column 42, lines 13-23). To one ordinary skill in the art, the prior art at least suggests *removing the content from the user computer*. Further, it is well known to those of ordinary skill in the art *to create and receive audit trail of actions performed in order to protect a business [content] owner against possible legal action*. Rabin further teaches “**distributing usage records to a remote center**” (column 18, lines 55-60). A well known method for exchanging data over the internet is via **electronic mail, a.k.a., e-mail**.

10. Rabin does not expressly disclose “**generating a warning code**”.

11. Venkatesan, however, teaches “**generating a warning code to a user, informing the user of actions required to be taken to ensure continued use of a product**” (column 34, lines 8-29). For example, Venkatesan further teaches “**contacting a user via email**” (column 34, lines 9-29). Therefore, the prior arts, taken individually or in combination thereof, teaches or at least suggests “**accessing and displaying the warning email using a PC**”.

12. However, neither Rabin nor Venkatesan teaches “**receiving contents and content usage rights information from a contents distribution server in response to a user request at a memory storage device remote from the user**”.

13. Payton teaches “***receiving contents from a contents distribution server at a memory storage device remote from the user***” (figure 1; column 4, lines 45-54; column 6, lines 20-50; column/line 7/60 – 8/25; column/line 9/60 – 10/20).

14. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rabin, Venkatesan and Payton to include “***receiving contents from a contents distribution server at a memory storage device of a network to transfer contents to a user terminal***” to allow multiple users in a home to access content along the same network connection (‘935, figure 1) and to remind each user to send a call-up message in order to avoid “*punitive measures*” such as “*disabling of a user computer*” (‘948, column 23, lines 16-25).

Conclusion

15. Examiner has cited particular columns and line numbers and/or paragraph and/or page numbers in the prior arts of record as applied to the claims above in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to fully consider the references in its **entirety** as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

16. Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be

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directed to NANCY LOAN T. LE whose telephone number is **(571) 272-7066**. The examiner can normally be reached on Monday - Friday, 9am - 6:00pm Eastern Standard Time.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANDREW J. FISCHER can be reached on **(571) 272-6779**.

18. *For official/regular communication*, the fax number for the organization where this application or proceeding is assigned is **(571) 273-8300**.

19. *For informal/draft communication*, the fax number is (571) 273-7066 (Rightfax).

20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, please contact the Electronic Business Center (EBC) at **866-217-9197 (toll-free)**.

NANCY T. LE
Examiner, Art Unit 3621

/ANDREW J. FISCHER/
Supervisory Patent Examiner, Art Unit 3621